

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, FEBRUARY 25, 2004
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
KENNETH MEERSCHAERT, JR.
CHARLES OLIVER

ABSENT: NONE.

Also in attendance: Larry Dloski, Township Attorney
Jerome Schmeiser, Community Planning Consultant
James Van Tiflin, Spalding DeDecker Associates, Inc.
(Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the Roll. All members present.

2. Approval of Agenda Items (with any corrections)

MOTION by BUCCI seconded by OLIVER to approve the February 25, 2004 amended agenda.

MOTION carried.

3. Approval of Bills

MOTION by DUNN seconded by KOEHS to authorize payment of the Bills as submitted.

MOTION carried.

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4. Approval of the February 11, 2004 previous meeting minutes.

MOTION by DUNN seconded by MALBURG to approve the Revised Meeting Minutes of February 11, 2004.

MOTION carried.

5. Department Monthly Reports
- a. Macomb County Sheriffs Department
 - b. Building Department
 - c. Fire Department
 - d. Water/Sewer Department
 - e. Parks and Recreation Department

MOTION by MALBURG seconded by KOEHS to approve the Department Monthly Reports as a consent agenda item.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit)

Kevin Karwowicz, a Township resident, held further discussion with Supervisor BRENNAN and the Township Attorney concerning Township Cable Fees.

PLANNING COMMISSION:

7. Final Preliminary Plat; Rockwood Subdivision No. 2 (6 lots); Located 700' north of 21 Mile Road on the west side of Rockwood Drive; Rocco Galati, Petitioner. Permanent Parcel No. 08-28-376-007.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

Petitioner Present: Nancy Kolinski

MOTION by DUNN seconded by BUCCI to approve the Final Preliminary Plat; Rockwood Subdivision No. 2 (6 lots); Permanent Parcel No. 08-28-376-007.

MOTION carried.

8. Land Division Variance Request; Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Located approximately ½ mile south of 23 Mile Road and

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approximately $\frac{3}{4}$ mile east of North Avenue; Landtec of Macomb, Petitioner.
Permanent Parcel No.08-24-276-003.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

Petitioner: Not present.

MOTION by DUNN seconded by BUCCI to approve the Land Division Variance Request to vary Section 17-132(d) - to eliminate the stub street to the west for the Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Permanent Parcel No. 08-24-276-003.

MOTION carried.

9. Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Located approximately $\frac{1}{2}$ mile south of 23 Mile Road and approximately $\frac{3}{4}$ mile east of North Avenue; Landtec of Macomb, Petitioner. Permanent Parcel No. 08-24-276-003.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

Petitioner: Not present.

MOTION by OLIVER seconded by MALBURG to approve the Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Permanent Parcel No. 08-24-276-003.

MOTION carried.

10. Final Preliminary Plat; Tesner Park Subdivision (51 lots); Located on the southeast corner of Card Road and Brantingham Road; Vincent Milatello & Michael Aluia, Petitioner. Permanent Parcel No. 08-35-300-032 and 033.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

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Petitioner Present: William Thompson of Lehner Associates.

**MOTION by KOEHS seconded by DUNN to approve Final Preliminary Plat;
Tesner Park Subdivision (51 lots); Permanent Parcel No. 08-35-300-032 and 033.**

MOTION carried.

NEW BUSINESS:

11. Request to Alter Grade; King of the Wind Farms; Located on the east side of Card Road, ½ mile south of 25 Mile Road; Ronald & Delores Michaels, Petitioner.
Permanent Parcel No. 08-11-400-001.

James Van Tiflin, Township Engineer, reviewed the request and recommended approval for parcel No. 08-11-400-001.

Public Portion: None.

Petitioner Present: Delores Michaels property owner.

**MOTION by KOEHS seconded by DUNN to approve the Request to Alter Grade;
King of the Wind Farms; Permanent Parcel No. 08-11-400-001.**

MOTION carried.

12. Request to Alter Grade; Tenser Park Subdivision; Located on the southeast corner of Card Road and Brantingham Road; Vincent Milatello & Michael Aluia, Petitioner. Permanent Parcel No. 08-35-300-032 and 033.

Item withdrawn as requested by the petitioner.

13. Request for the Township Engineers to perform a Sanitary Sewer Diversion Feasibility; Rauhorn Electric; Section 17.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by OLIVER seconded by BUCCI to approve the request for the Township Engineers to perform a Sanitary Sewer Diversion Feasibility, contingent upon the payment of Four Thousand dollars and 00/100 (\$4,000.00) submitted by the petitioner.

MOTION carried.

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OLD BUSINESS:

14. Request an Extension of Time; Brook Run Subdivision; Construction Access Road. GTR Builders, Petitioner. Section 21.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

Petitioner Present: Christopher Cousino of GTR Builders.

MOTION by KOEHS seconded by DUNN to approve the Extension of Time for a period of 120 days from this date for the Brook Run Subdivision; Construction Access Road through lot 13 of Volkaert Subdivision on to Marseilles Road. Section 21.

MOTION carried.

15. Request to Release Model Bond; Rockwood Subdivision Lot 27.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by OLIVER to approve the Model Permit Bond Release; Rockwood Subdivision; Lot 27, in the amount of Seven Thousand Five Hundred dollars and 00/100 (\$7,500.00). Posted April 27, 2000 with Greco Title Company.

MOTION carried.

BUILDING DEPARTMENT:

16. Request permission for two plumbing inspectors to attend the PIAM 2004 Spring Conference.

Bob Beckett, Building Department Official, reviewed the request and recommended approval.

Public Portion: None.

MOTION by KOEHS seconded by MALBURG to approve the request for Gerorge Ryan and Ken Borycz, Township plumbing inspectors, to attend the annual PIAM

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2004 Spring Conference for the total amount of Seven Hundred Fifty dollars and 24/100 (\$750.24) plus meals and mileage.

MOTION carried.

Addition:

16A. Request for vehicle repairs.

Bob Beckett, Building Department Official, reviewed the request and recommended approval.

MOTION by MALBURG seconded by MEERSCHAERT to approve the vehicle repairs for the 2001 Dodge Ram pick-up truck No. 204 total cost of One Thousand Four Hundred Sixteen dollars and 75/100 (\$1,416.75).

MOTION carried.

Addition:

16B. Request for vehicle repairs.

MOTION by MEERSCHAERT seconded by DUNN to approve the vehicle repairs for the 1999 Dodge Ram pick-up truck No. 205 for total cost of Three Thousand One Hundred dollars and 00/100 (\$3,100.00).

MOTION carried.

FIRE DEPARTMENT:

17. Request permission to purchase equipment for two new engines.

Raymond Ahonen, Fire Department Chief, reviewed the request with the members of the Board.

Public Portion: None.

MOTION by DUNN seconded by OLIVER to follow the recommendation stated by Raymond Ahonen, Township Fire Department Chief, and award the bid to Apollo Fire Equipment for two new engines for the total cost of Seventeen Thousand Five Hundred Ninety Two dollars and 00/100 (\$17, 592.00).

MOTION carried.

18. Leave of absence request. *(Tabled at the 02-11-04 Meeting)*

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Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by OLIVER to approve the Leave of Absence Request for Gregory Burks, a Paid On-Call Fire Fighter No. 16, beginning February 11, 2004 and ending August 11, 2004 as submitted.

MOTION carried.

INFORMATIONAL TECHNOLOGY DEPARTMENT:

19. Request permission to purchase Informational Technology equipment.

Jim Koss, Informational Technology Director, reviewed the request and recommended to award the request to Boise.

Public Portion: None.

MOTION by KOEHS seconded by BUCCI to approve the request to purchase three SmarthOnline Expandable Rack/Tower UPS system by Tripp Lite Model # SU1500RTX2U and three SNMPWECARD Internal SNMP/WEB management accessory cards through Boise for the total cost of Two Thousand Five Hundred Ninety Two dollars and 00/100 (\$2,592.00).

MOTION carried.

WATER/SEWER DEPARTMENT:

20. Request to purchase new printer for Water/Sewer Billing System

David Koss, Water and Sewer Department Superintendent, reviewed the request and recommended the request to Boise.

Public Portion: None.

MOTION by DUNN seconded by KOEHS to approve the request to purchase one (1) Hewlett-Packard-HP LaserJet 4300dtns through Boise for the total cost of Two Thousand Four Hundred Forty Six dollars and 00/100 (\$2,446.00).

MOTION carried.

21. Approval of Purchase Requisitions
A. SLC Meter Service

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David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None.

MOTION by OLIVER seconded by BUCCI to approve the request to purchase three hundred (300) TT-9151F-05-24 Transpondrt 915 MHZ V6 through SLC Meter Service for the total cost of Fifteen Thousand dollars and 00/100 (\$15,000.00).

MOTION carried.

22. Temporary Cement Batch Plant Operation Request, John Carlo, Inc.
A. 21 Mile Road paving, North Ave. to Gratiot

This item was tabled. Clerical error.

Addition:

- 22B. Award of Contract; 21 Mile and Fairchild Road Water Meter & PRV Facility, Phase I.

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by OLIVER to approve the Award of Contract; 21 Mile and Fairchild Road Water & PRV Facility Phase I through Diponio Contracting for the total cost of One Hundred Seventy Four Thousand Six Hundred Eighty Eight dollars and 50/100 (\$174,688.50). Section 25. SDA Job No. MA01-024.

MOTION carried.

Addition:

- 22C. Request to Purchase Water and Sewer Utility Bills.

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None.

MOTION by KOEHS seconded by MALBURG to approve the purchase request for Water & Sewer Utility Billing Stock for the total cost of Five Thousand Eight Hundred Seventy Five dollars and 00/100 (\$5,875.00).

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MOTION carried.

BOARD COMMENTS:

23. Supervisor Comments:

Addition:

23A. Interview Update; Community Recreation Facility

Supervisor BRENNAN discussed the interviews for the Facility and Aquatic Supervisor Positions.

This item was informational only.

Addition:

23B. Request to adopt the 2004 Poverty Guidelines & Resolution for the Board of Review.

Supervisor BRENNAN reviewed the Poverty Guidelines Resolution and recommended to move forward.

MOTION by DUNN seconded by OLIVER to adopt the Poverty Guidelines Resolution for the Board of Review as follows:

FOR THIS MOTION: DUNN, OLIVER, MEERSCHAERT, BUCCI, MALBURG, KOEHS, BRENNAN.

OPPOSED: NONE.

ABSENT: NONE.

**RESOLUTION ADOPTING
POLICIES AND GUIDELINES
FOR BOARD OF REVIEW
CONSIDERATION OF POVERTY
EXEMPTION APPLICATIONS**

**Township of Macomb
County of Macomb, State of Michigan**

Minutes of a regular meeting for the Township Board of Trustees, Township of Macomb, County of Macomb, State of Michigan, held on February 25, 2004, at 7:00 o'clock p.m., Eastern Standard Time.

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Present: John D. Brennan, Michael D. Koehs, Marie M. Malburg, Dino F. Bucci, Jr., Janet Dunn, Kenneth Meerschaert, Jr., Charles Oliver.

Absent: None.

The following preamble and resolution were offered by Member DUNN and supported by Member OLIVER:

WHEREAS, the Michigan General Property Tax Act at MCL 211.7u provides for an exemption in whole or in part from taxation of homesteads of persons who, in the judgment of the Board of Review by reason of poverty, are unable to contribute toward the public charges, and

WHEREAS, in 2004, the Township of Macomb Board of Review adopted guidelines for applicants requesting consideration for poverty exemptions pursuant to the Act which incorporated income guidelines based on an average of standards developed by the U.S. Department of Housing and Urban Development (Section 8) and the federal guidelines developed by the U.S. Department of Health and Human Services for the Township of Macomb, County of Macomb, State of Michigan, and

WHEREAS, pursuant to the 1994 Public Act 390, the governing body of the local assessing unit must determine the policies and guidelines which the local assessing unit will use when deciding whether to grant poverty exemptions, and

WHEREAS, the Act further provides that the guidelines shall include, but are not limited to, the specific income and asset levels for persons claiming the exemptions, and that the income standards shall not be lower than the Federal Poverty Income Standards, and

WHEREAS, the Chief Legal Officer and the Office of the Assessor have reviewed the guidelines adopted for compliance with the Act for 2004;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to 1994 Public Act 390, the Macomb Township Board of Trustees hereby adopts the guidelines for applicants requesting consideration for poverty exemptions as revised February 25, 2004, a copy of which is attached to this resolution, hereby directs the Board of Review to follow the policies and guidelines adopted in this and in subsequent years when considering whether to grant or deny poverty exemption pursuant to the Act, unless the Board of Review determines that there are substantial and compelling reasons why there should be a deviation from the policy and guidelines, and the substantial and compelling reasons are communicated in writing to the claimant.

RESOLUTION ADOPTED AS TO FORM:

John D. Brennan, Township Supervisor

Michael D. Koehs, Township Clerk

RESOLUTION DECLARED ADOPTED.

MOTION carried.

MOTION by DUNN seconded by BUCCI to adopt the guidelines for the Poverty Resolution as follows:

**TOWNSHIP OF MACOMB
BOARD OF REVIEW
POLICY FOR APPLICANTS
REQUESTING CONSIDERATION
FOR POVERTY EXEMPTIONS**

All applicants must obtain the proper applications from the Township Assessor's Office. Handicapped or infirmed applicants may call the Assessor's Office to make necessary arrangements for assistance.

Applications will not be eligible for considerations if they do not meet the following eligibility guidelines for 2004.

**A family of 1 – shall make no more than \$11,840.00 a year
A family of 2 – shall make no more than \$14,460.00 a year
A family of 3 – shall make no more than \$17,055.00 a year
A family of 4 – shall make no more than \$19,676.00 a year
A family of 5 – shall make no more than \$22,095.00 a year
A family of 6 – shall make no more than \$24,515.00 a year
A family of 7 – shall make no more than \$26,910.00 a year
A family of 8 – shall make no more than \$29,330.00 a year**

For each additional person add \$3,140.00

MOTION carried.

Addition:

23C. Request to consider SDA for the engineers on the Ice Rink

Supervisor BRENNAN reviewed the request.

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Public Portion: Mr. Kevin Karwowicz, a Township Resident, discussed future proposal of the Ice Rink property.

MOTION by DUNN seconded by OLIVER to allow the future developer for the property as discussed for an Ice Arena, to use Spalding DeDecker Associates, Inc., the Township Engineers on a private project being proposed in Section 9.

MOTION carried.

24. Clerk Comments:

24A. Request permission for the Mt. Clemens Council of the Knights of Columbus Tootsie Roll Drive.

Clerk KOEHS reviewed the request. Supervisor BRENNAN indicated the reasons why the Township is not authorized in granting approval for this request and recommended that the Board receive and file the correspondence.

MOTION by OLIVER seconded by BUCCI to receive and file the correspondence letter dated February 6, 2004 submitted by the Knights of Columbus, John Cardinal Dearden Council, #744 requesting to conduct their annual "Tootsie Roll" Drive.

MOTION carried.

25. Treasurer Comments: None.

26. Trustees Comments: None.

MOTION by KOEHS seconded by DUNN to adjourn into Executive Session at 8:15 P.M.

MOTION carried.

Addition:

EXECUTIVE SESSION:

27. Marcast Development Company v Macomb Township

MOTION by KOEHS seconded by BUCCI to authorize the Township Attorney to continue negotiations with the Marcast Development Company.

MOTION carried.

ADJOURNMENT:

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MOTION by KOEHS seconded by OLIVER to adjourn the meeting at 8:24 P.M.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, Clerk
Gabrielle M. Baker, Recording Secretary
MDK/gmb